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Practitioner's Docket No. 915-411 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bouret et al
Application No.: 10 /026,922 Group No.: 2661 Conf. No. 7118
Filed: December 21, 2001 Examiner:
For: Provision of Services in a Communication System

Box Missing Part
Assistant Commissioner for Patents
Washington, D.C. 20231

#3

COMPLETION OF FILING REQUIREMENTS — NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed January 28, 2002

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

☒ A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Anita M. Schelmetic
Signature

Date: 3/15/02

Anita Schelmetic
(type or print name of person certifying)

DECLARATION OR OATH

II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

OR

☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the specification as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g.,08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of Jul. 13, 1995 (1177 O.G. 60); M.P.E.P. § 601.01(a), 6th ed., rev. 3.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

(c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

III. ☐ Cancel claims _____ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. § 1.69(b).

SMALL ENTITY STATUS

V.

☐ A statement that this filing is by a small entity

(check and complete applicable items)

☐ is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on _____ (original).

COMPLETION FEES

VI.

WARNING: *Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.*

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. § 1.28(a).

1. Filing fee

☒ original patent application
(37 C.F.R. § 1.16(a)— $740 ; Small entity—$ 370) $ 740.00

☐ design application
(37 C.F.R. § 1.16(f)— $330 ; small entity—$ 165) $_____

$_____

2. Fees for claims

☐ each independent claim in excess of 3
(37 C.F.R. § 1.16(b)— $ 84 small entity— $ 42) $_____

☒ each claim in excess of 20
(37 C.F.R. § 1.16(c)— $18 ; small entity— $9) $ 270.00

☐ multiple dependent claim(s)
(37 C.F.R. § 1.16(d)— $ 280 ; small entity— $140) $_____

3. Surcharge fees

☒ late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. § 1.16(e)—$130.00; small entity—$65.00); $ 130.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under § 37 C.F.R. § 1.16(e) is that only one surcharge Fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.

4. ☐ Petition and fee for filing by other than all the inventors or a person not the inventor (37 C.F.R. §§ 1.17(i) and 1.47—$130.00) $_____

5. ☐ Fee for processing an application filed with a specification in a non-English language (37 C.F.R. §§ 1.17(k) and 1.52(d)—$130.00) $_____

6. ☐ Fee for processing and retention of application (37 C.F.R. §§ 1.21(l) and 1.53(d)—$130.00) $_____

7. ☒ Assignment (See "ASSIGNMENT COVER SHEET".)

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as, the changes to 37 C.F.R. §§ 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under §1.53(f) must be paid.

Total completion fees $ 1140.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☐ Applicant petitions\ for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
☐ one month	$ 110.00	$ 55.00
☐ two months	$ 400.00	$ 200.00
☐ three months	$ 920.00	$ 460.00
☐ four months	$1440.00	$ 720.00

Fee $_____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for ____ months has already been secured, and the fee paid therefor of $_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request $_____

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s) $ 1140.00

Extension fee (if any) $ _____

Total Fee Due $ 1140.00

PAYMENT OF FEES

IX.

☒ Enclosed is a check in the amount of $1180.00 which includes $40 for assignment recordation.

☐ Charge Account No. _____ in the amount of $_____. A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

Please charge Account No. _____ for any fees that may be due by this paper

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: *Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.*

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 23-0442

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☐ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a))

☐ 37 C.F.R. § 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

SIGNATURE OF PRACTITIONER

Reg. No. 27,550

Alfred A. Fressola

(type or print name of practitioner)

Tel. No.: (203) 261-1234

WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON LLP
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UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/026,922	12/21/2001	Christophe Bouret	915.411

CONFIRMATION NO. 7118

004955
WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

COPY OF PAPERS ORIGINALLY FILED

FORMALITIES LETTER

OC000000007369962

Date Mailed: 01/28/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/26/2002 BABRAHA1 00000080 10026922

01 FC:101 740.00 OP
02 FC:105 130.00 OP
03 FC:103 270.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
 Applicant must submit **$ 740** *to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is $270.
 - **$270** for **15** total claims over 20.
- The oath or declaration is missing.
 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is $ 1140.**

A copy of this notice MUST be returned with the reply.

V. Tran

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON
FEB 4 2002

FILE 915.411
ANS'D.